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To: Microsoft ATR
Date: 1/27/02 4:20pm
Subject: Microsoft Settlement

I am AGAINST the proposed settlement of the antitrust case involving Microsoft Corporation.

Companies that achieve great levels of success as measured by revenues, profits, market share, etc. by producing innovative products, better quality, lower price, etc. in a totally legal and ethical manner should not be penalized just because they are successful. Unfortunately, too many people and government bureaucrats automatically regard success in the private sector as indicators of illegality, and I am usually against the Department of Justice pursuing antitrust cases.

However, Microsoft has clearly achieved its stature via deceit and other illicit means, as demonstrated during the court proceedings in this antitrust case as well as other litigation such as Sun Microsystems vs. Microsoft regarding Java. Some of the issues that stand out in my mind are:

Microsoft's "embrace and extend" approach in developing its own versions of products: Notice that a possible tool from another vendor has potentially significant popularity in the market and would consequently enhance the overall market for PCs and the Microsoft Windows operating system. Offer support to that vendor to help their product be successful. Once Microsoft sees the unexpectedly high success of the product, begin developing a similar product, merge it in with the Windows operating system so that people can easily transition, then extend the new product by adding features incompatible with the original, more popular product. Arrange with PC vendors restrictive licensing agreements that prevent them from selling PCs with both Microsoft and non-Microsoft products. The result is that the former supporter stabs the original vendor in the back. Such has happened with Netscape and was in progress with Java until Sun Microsystems successfully litigated. There is a new browser available from the open-source/free-software community (which Microsoft hates) called Opera; Opera could not access many of the Microsoft web pages because they were designed for Internet Explorer by using extensions to commercial standards that only Internet Explorer recognizes, and yet Microsoft falsely claimed that it was Opera that violated the standards (the Opera developer is a member of the standards committee and pointed out where Microsoft's web pages violated the prescribed standard).

Microsoft repeatedly gave self-contradictory testimony at the trial. Much of their testimony was demonstrated totally fallacious by experts for the Department of Justice. Microsoft cannot be trusted to come close to telling the truth under oath. Microsoft needs to be put in a position that it is impossible for them to break the final settlement when they are not under oath.

Microsoft has the lion's share of the very large PC operating system market, and they can change Windows whenever they wish, which can end up deliberately creating incompatibilities with other vendors' application tools running in the Windows environment, whereas the application tools departments in Microsoft are informed of the changes in Windows and can accommodate. This results in Microsoft having an unfair advantage in developing applications tools when they control the dominant operating system. One can quite reasonably ask why the other vendors do not get into the operating systems business, competing head to head against Microsoft, and take control of their own destiny. The problem is that most of the companies producing applications tools are small and require all their resources to go into the development of the specific tool. Operating systems are far more complicated pieces of software taking many years to develop. The only operating system offering Microsoft Windows any substantive competition at all is Linux (which Microsoft wishes to kill also), and Linux has been in

development ten years now with some significant work still left. This is why the industry desperately needs Microsoft split between its Windows operation and its application tools operation.

Microsoft shows its true colors by seeking legislation to outlaw the use in government-funded activities of software developed under the GNU Public License, including Linux. Such software might actually succeed where no other has: provide meaningful competition and take significant market share from Microsoft.

The findings of fact regarding Microsoft's adverse monopolistic behavior have held firm in the courts-for good reason.

The proposed settlement does nothing to redress past wrongs nor does it put adequate teeth into preventing future misdeeds of similar ilk.

I have been a professional software developer for a variety of applications for almost 30 years and an adjunct professor in electrical engineering and computer science for 15 years. I have used both Microsoft and non-Microsoft products during that time, as well as followed the actual technology involved.

Please take these issues into account and rule in a manner so that vendors besides Microsoft have the opportunity to play a significant, successful, innovative role in the software marketplace. I regard the original ruling of splitting Microsoft into an operating system company and a totally separate application tools company to be very wise and appropriate. The proposed settlement is not.

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